IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 187 of 2005

MAGARAM
V/S
U.O.I. & ANR

Mr. RAMSUKH SHARMA, for the appellant / petitioner

Date of Order : 16.11.2006

HON'BLE SHRI N P GUPTA,J.

JUDGMENT

Heard learned counsel for the appellant at length, and perused the impugned judgment and record of the learned courts below.

Learned courts below have found that it has not been established by the appellant as to whether the land in question falls in Khasra no. 468/1 or 468/2. It is a different story that the documents showing the alienation of land show the land transfered to be 468/1, while in revenue record 468/1 is shown to be land not in anybody's possession, and perusal of the documents does not show that Khasra no. 468/2 was ever alienated in whatever manner. Learned courts below have further found, that there are documents produced by the railway authorities, comprising Ex.A-1 to Ex.A-6, which clearly establish that the land in

question, to the extent of 100 ft. on either side of railway track, had been acquired and allotted to the railway authorities.

In my view, from perusal of the record it is clear that Ex.A-4 is the document of October, 1951 enclosing there with ferro sheet which has been produced as Ex.A-5, and in those ferro sheet the land transferred to the railways has been shown to be 100 ft. on either side of the railway track, or wherever it is more or less, it is so shown. Admittedly the land in question falls within the said 100 ft. distance from the railway track.

Likewise, the other findings recorded by the learned courts below as noticed above, are all clearly supported by the material on record, and I do not find the findings of the learned courts below to be suffering from any error requiring interference in my second appellate jurisdiction.

The appeal thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/Sushil/